

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
)	No. 3:05-CR-113
V.)	(PHILLIPS/SHIRLEY)
)	
)	
DONALD HARMON)	

MEMORANDUM AND ORDER

The defendant appeared on an initial appearance on a Petition for Action on Conditions of Pretrial Release on May 30, 2006. Mike Winck, Assistant United States Attorney, was present representing the government and David Wigler was present representing the defendant.

The defendant was released pursuant to an Order Setting Conditions of Release on October 12, 2005. Conditions of defendant's release included that he not commit another federal, state, or local crime while on bond in federal court.

A Petition for Action on Conditions of Pretrial Release has been filed by defendant's pretrial services officer on May 25, 2006 stating the following violations: that the defendant was arrested on May 25, 2006. At the 18 U.S.C. § 3148 hearing on May 30, 2006, Herbert Moncier, counsel for the defendant, stated that the defendant wished to waive his right to a revocation hearing.

Accordingly, this Court finds that pursuant to 18 U.S.C. § 3148, there is probable cause to believe that the defendant committed a Federal, State, or Local crime while on release and that there is clear and convincing evidence that the defendant has violated any other conditions of release. The Court also finds that there no conditions or combination of conditions

of release will assure that the defendant will not flee or pose a danger to the safety of another person and that the defendant is unlikely to abide by any conditions or combination of conditions of release. Therefore, the order setting conditions of release is hereby **REVOKED** and the defendant is remanded to the custody of the United States Marshal pending his trial on **July 19, 2006**, at **9:00 a.m.**, before the **Honorable Thomas W. Phillips**, United States District Judge. His appearance bond is hereby **CANCELLED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge